

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN PADILLA-OLMEDO,

Defendant.

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8:16CR231

ORDER

This matter is before the court on the motion to extend the pretrial motion deadline and to continue trial by defendant Kevin Padilla-Olmedo (Padilla-Olmedo) (Filing No.34). The court heard the motion during a detention hearing on October 4, 2016. Padilla-Olmedo was present with his counsel, Craig M. Martin. The United States was represented by Assistant U.S. Attorney Douglas Amen. Padilla-Olmedo agreed to the motion and understood the additional time required by the motion would be excluded under the Speedy Trial Act. The motion will be granted.

**IT IS ORDERED:**

1. The motion to continue trial is granted. The trial setting for October 31, 2016, before Judge Robert F. Rossiter, Jr., is canceled. Trial will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

2. Defendant Padilla-Olmedo's motion for an extension of the pretrial motion deadline is granted. Padilla-Olmedo is given until **on or before November 4, 2016**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between October 5, 2016, and November 4, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 4th day of October, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge